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LB 93

Revision: 00

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2005-06		FY 2006-07	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS	See Below	See Below	See Below	See Below
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

LB 93 provides in addition to any fine or penalty prescribed by law a surcharge of \$25 shall be imposed on defendants convicted of any state or local criminal offense.

In 2003, excluding juvenile and traffic offenses there were 133,328 criminal filings in the state of Nebraska, 124,819 from county courts and 8,509 from district courts. The court estimates 90% of the filings result in a conviction. Therefore the estimated revenue from the bill is \$2,999, 875 (119,995 filings times \$25)

The bill provides thirty percent of the funds raised, up to \$225,000 be credited to the victims compensation fund. Thirty percent up to \$290,000 is credited to the victim notification program known as VINE. The remaining funds are to be credited to victim and witness assistance centers.

The Probation Department's fiscal note includes provisions for additional probation officers due to an anticipated increase in revocations from the additional fees. This fiscal note disagrees and does not include the additional positions. During the summer of 2004 the Fiscal Office examined the fees collected for Community Corrections. There are two types of Community Corrections fees, a one-time administration fee collected from both traditional probation and ISP offenders at sentencing and monthly programming fees paid monthly for the length of the offender's sentence. While the Fiscal Office found problems in collection of the monthly programming fee, the one-time administrative fee had a high rate of compliance. The fee in this bill appears to be similar in nature, a one-time fee imposed at sentencing. Secondly the bill includes the language that "money paid to the court by a defendant shall be applied to the surcharge before being applied to any fine, penalty, cost or other assessment imposed on the defendant." In other words any funds collected from the defendant will be applied to the bill's fee first. The bill as written should not impact revocations.

The Supreme Court will incur some programming costs due to the language requiring any defendants' funds be applied to this fee first. The State Court Administrators Office estimates the additional costs at \$5,000.